

MAY 17 2004

OFFICIAL

PATENT

## CERTIFICATE OF MAILING (37 CFR 1.8(A))

I hereby certify that this correspondence is being facsimile transmitted to the USPTO (Fax No. 703-872-9306) or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below

Date:

5/17/04

*Patti Hespell*  
Patti Hespell

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|   |                     |                      |              |
|---|---------------------|----------------------|--------------|
| APPLICATION SERIAL NUMBER                                 | FILING DATE         | PATENT SERIAL NUMBER | ISSUE DATE   |
| 09/205,653  | 03 DEC 1998         | 6,457,010            | 04 SEPT 2002 |
| FIRST NAMED INVENTOR                                      | PARTY/DIGIT NO.     |                      |              |
| ELDERING  | T703-00 (8887.3003) |                      |              |
| TITLE   | ART UNIT            | EXAMINER             |              |
| CLIENT-SERVER BASED SUBSCRIBER<br>CHARACTERIZATION SYSTEM | 2171                | LE, U                |              |

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

NOTIFICATION OF ERROR IN PAYMENT OF FEE(S)  
AS A SMALL ENTITY (37 CFR 1.28(c))

The above noted patent was filed and prosecuted as a small entity. While the assignee of the patent is and has always been a small entity (Expanse Networks, Inc is the current assignee of the complete interest), a license was granted to Next Level Communications, Inc for the period of time from December 15, 1999 to January 15, 2002. Applicants erroneously believed that the patent and underlying application was still entitled to small entity status during this time frame. Applicant has recently discovered that the license to Next Level Communications, Inc. (possibly a large entity for at least a portion of this time) may have affected their small entity status during this time frame. Accordingly, Applicant has diligently gathered data related to fees paid as a small entity during this time frame. The table on the next page summarizes for each applicable action (item and date) the fees paid as a small entity, the current large entity fee, and the current amount owed as a result of small entity payment error.

The above noted patent is currently entitled to small entity status.

37 CFR 1.28(c) Notification

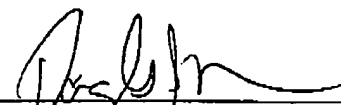
-1-

Patent No. 6,457,010

| Item  | Date      | Small Entity Fee Paid | Current Large Entity Fee | Amount to be Paid |
|---|-----------|-----------------------|--------------------------|-------------------|
| Amendment - Additional Claim Fees (16 claims)     | 8/09/2000 | \$144                 | \$288                    | \$144             |
| Amendment - Additional Claim Fees (1 Ind. claims) | 8/09/2000 | \$40                  | \$86                     | \$46              |
| TOTAL   |           |                       |                          | \$190             |

Please charge the above noted fees to Deposit Account 501535.

Respectfully submitted,

  
Douglas J. Ryder, Esquire  
Reg. No. 43,073

Date: 5/17/04

Expanse Networks, Inc.  
6206 Kellers Church Road  
Pipersville, PA 18947  
Phone: (215) 766-2100  
Fax: (215) 766-2920

MAY 17 2004

OFFICIAL

PTO/SB/97 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on 17 MAY 2004  
Date

Patti Hespell  
Signature

PATTI HESPELL

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

1. 37 CFR 1.28(c) Notification (2 pgs.)
2. Fee Transmittal in duplication (2 pgs.)
3. Certificate of Transmission (1 pg.)

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (10-03)

Approved for use through 07/31/2008. OMB 0851-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 945.00**Complete if Known**

|                      |             |
|----------------------|-------------|
| Application Number   | 09/205,653  |
| Filing Date          | 03 DEC 1998 |
| First Named Inventor | ELDERING    |
| Examiner Name        | LE, U       |
| Art Unit             | 2171        |
| Attorney Docket No.  | T703-00     |

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

|                        |                        |
|------------------------|------------------------|
| Deposit Account Number | 501635                 |
| Deposit Account Name   | EXPANSE NETWORKS, INC. |

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity        |          | Small Entity |          | Fee Description        | Fee Paid |
|---------------------|----------|--------------|----------|------------------------|----------|
| Fee Code            | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 1001                | 770      | 2001         | 385      | Utility filing fee     |          |
| 1002                | 340      | 2002         | 170      | Design filing fee      |          |
| 1003                | 530      | 2003         | 265      | Plant filing fee       |          |
| 1004                | 770      | 2004         | 385      | Reissue filing fee     |          |
| 1005                | 160      | 2005         | 80       | Provisional filing fee |          |
| <b>SUBTOTAL (1)</b> |          |              |          | <b>(\$)</b>            |          |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

|                    |  |              |         |   |                |   |          |
|--------------------|--|--------------|---------|---|----------------|---|----------|
| Total Claims       |  | Extra Claims | -20** = | X | Fee from below | = | Fee Paid |
| Independent Claims |  |              | -3** =  | X |                | = |          |
| Multiple Dependent |  |              |         |   |                |   |          |

| Large Entity        |          | Small Entity |          | Fee Description  | Fee Paid |
|---------------------|----------|--------------|----------|--|----------|
| Fee Code            | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 1202                | 18       | 2202         | 9        | Claims in excess of 20                                     |          |
| 1201                | 86       | 2201         | 43       | Independent claims in excess of 3                          |          |
| 1203                | 290      | 2203         | 145      | Multiple dependent claim, if not paid                      |          |
| 1204                | 86       | 2204         | 43       | ** Reissue independent claims over original patent         |          |
| 1205                | 18       | 2205         | 9        | ** Reissue claims in excess of 20 and over original patent |          |
| <b>SUBTOTAL (2)</b> |          |              |          | <b>(\$)</b>  |          |

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity                      |          | Small Entity |          | Fee Description  | Fee Paid           |
|-----------------------------------|----------|--------------|----------|--|--------------------|
| Fee Code                          | Fee (\$) | Fee Code     | Fee (\$) |  |                    |
| 1051                              | 130      | 2051         | 65       | Surcharge - late filing fee or oath  |                    |
| 1052                              | 50       | 2052         | 25       | Surcharge - late provisional filing fee or cover sheet                     |                    |
| 1053                              | 130      | 1053         | 130      | Non-English specification  |                    |
| 1812                              | 2,520    | 1812         | 2,520    | For filing a request for <i>ex parte</i> reexamination                     |                    |
| 1804                              | 920*     | 1804         | 920*     | Requesting publication of SIR prior to Examiner action                     |                    |
| 1805                              | 1,840*   | 1805         | 1,840*   | Requesting publication of SIR after Examiner action                        |                    |
| 1251                              | 110      | 2251         | 55       | Extension for reply within first month                                     |                    |
| 1252                              | 420      | 2252         | 210      | Extension for reply within second month                                    |                    |
| 1253                              | 950      | 2253         | 475      | Extension for reply within third month                                     |                    |
| 1254                              | 1,480    | 2254         | 740      | Extension for reply within fourth month                                    |                    |
| 1255                              | 2,010    | 2255         | 1,005    | Extension for reply within fifth month                                     |                    |
| 1401                              | 330      | 2401         | 165      | Notice of Appeal   |                    |
| 1402                              | 330      | 2402         | 165      | Filing a brief in support of an appeal                                     |                    |
| 1403                              | 280      | 2403         | 145      | Request for oral hearing   |                    |
| 1451                              | 1,510    | 1451         | 1,510    | Petition to institute a public use proceeding                              |                    |
| 1452                              | 110      | 2452         | 55       | Petition to revive - unavoidable   |                    |
| 1453                              | 1,330    | 2453         | 665      | Petition to revive - unintentional   |                    |
| 1501                              | 1,330    | 2501         | 665      | Utility issue fee (or reissue)   |                    |
| 1502                              | 480      | 2502         | 240      | Design issue fee   |                    |
| 1503                              | 640      | 2503         | 320      | Plant issue fee  |                    |
| 1480                              | 130      | 1460         | 130      | Petitions to the Commissioner  |                    |
| 1807                              | 50       | 1807         | 50       | Processing fee under 37 CFR 1.17(q)  |                    |
| 1806                              | 180      | 1806         | 180      | Submission of Information Disclosure Stmt                                  |                    |
| 8021                              | 40       | 8021         | 40       | Recording each patent assignment per property (times number of properties) |                    |
| 1809                              | 770      | 2809         | 385      | Filing a submission after final rejection (37 CFR 1.129(a))                |                    |
| 1810                              | 770      | 2810         | 385      | For each additional invention to be examined (37 CFR 1.129(b))             |                    |
| 1801                              | 770      | 2801         | 385      | Request for Continued Examination (RCE)                                    |                    |
| 1802                              | 900      | 1802         | 900      | Request for expedited examination of a design application                  |                    |
| Other fee (specify)               |          |              |          | 37CFR 1.28(c) Notification   | 945.00             |
| *Reduced by Basic Filing Fee Paid |          |              |          | <b>SUBTOTAL (3)</b>  | <b>(\$) 945.00</b> |

**SUBMITTED BY**

|                   |   |                                   |         |           |              |
|-------------------|---|-----------------------------------|---------|-----------|--------------|
| Name (Print/Type) | Douglas J. Ryder  | Registration No. (Attorney/Agent) | 43,073  | Telephone | 215-766-2100 |
| Signature         |  | Date                              | 5/17/04 |           |              |

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.